



INTERIOR BOARD OF INDIAN APPEALS

Ronald Neconish; Cecilia Neconish; and Virginia Neconish Waupoose
v. Anadarko Area Director, Bureau of Indian Affairs

29 IBIA 303 (08/30/1996)

Related Board cases:

29 IBIA 233

29 IBIA 236

29 IBIA 240

29 IBIA 305

31 IBIA 312

Reconsideration denied, 32 IBIA 12

31 IBIA 314

Reconsideration denied, 32 IBIA 11



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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ARLINGTON, VA 22203

RONALD NECONISH,
CECELIA NECONISH, and
VIRGINIA NECONISH WAUPOOSE,
Appellants

v.

ANADARKO AREA DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Docketing and Dismissing
: Appeals
:
:
: Docket Nos. IBIA 96-84-A
: IBIA 96-85-A
: IBIA 96-86-A
:
:
: August 30, 1996

On June 24, 1996, the Board of Indian Appeals (Board) received separate notices of appeal from Ronald Neconish, Cecilia Neconish, and Virginia Neconish Waupoose. Each notice of appeal stated that the appeal was from a May 17, 1996, decision of the Anadarko Area Director, Bureau of Indian Affairs (Area Director), concerning whether certain lands owned by each appellant was held in trust status by the United States. Each notice of appeal also stated that a copy of the decision was attached. None of the appeals included a copy of a decision. In addition, there was a large gap between the date of the alleged decision and the date on which each appellant stated he or she had received the decision. Therefore, the Board requested the Anadarko Area Office to provide it with copies of the return receipt cards for these appeals.

No return receipt cards were provided for these appellants. The Board was orally advised that only fourteen individuals had appealed to the Area Director from adverse decisions issued by the Horton Agency Superintendent (Superintendent), BIA, although there were other individuals who were similarly situated.

Noting in a July 1, 1996, order that "[i]t thus appears probable that present appellants were among those individuals who did not appeal to the Area Director," the Board required appellants to show cause why they should be allowed to continue these appeals. Appellants' responses were due on or before July 31, 1996. No responses have been received.

For purposes of this decision, the Board assumes that appellants are similarly situated to other individuals who received decisions from the Area Director dated May 17, 1996, and that appellants received an adverse decision concerning their own properties from the Superintendent. 25 CFR 2.6(b) provides that "[d]ecisions made by officials of the [BIA] shall be effective when the time for filing a notice of appeal has expired and no notice of appeal has been filed." Appellants have failed to show any reason why this regulation does not control here.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, these appeals are docketed (Ronald Neconish, Docket No. IBIA 96-84-A; Cecilia Neconish, Docket No. IBIA 96-85-A; and Virginia Neconish Waupoose, Docket No. IBIA 96-86-A) and dismissed.

//original signed

Kathryn A. Lynn
Chief Administrative Judge

//original signed

Anita Vogt
Administrative Judge